

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
v.)	Crim. No. 13-10200-GAO
)	
DZHOKHAR TSARNAEV)	

**DEFENDANT’S OPPOSITION TO GOVERNMENT’S
RENEWED MOTION FOR LIST OF MITIGATING FACTORS**

Defendant, Dzhokhar Tsarnaev, by and through counsel, respectfully files his response to the Government’s Renewed Motion for List of Mitigating Factors, DE 529.

The government offers no legal authority in support of the renewed motion, and advances no reason to grant it not already contained in its initial pleading. DE 294. Accordingly, the defendant will respectfully rely on his earlier response, DE 315, in which he explained why the Court should deny the virtually unprecedented relief that the government seeks. He would add only that the government’s claim of a “pressing” need for “basic notice about [the defendant’s] mitigation case” is overblown. Some nine months ago, the defense provided the government a written summary of the basic reasons emerging from the government’s own case why death is an inappropriate punishment for Mr. Tsarnaev. As for additional mitigating factors that only thorough investigation is likely to uncover, that investigation is still far from complete, *see* DE 518, 549, and so the defense could not enumerate those factors now even if the law required it to. In any event, the government has long been aware of the major sentencing issues in this case, and will not be unfairly disadvantaged by being required to adhere to the provisions of the Federal Death Penalty Act as Congress enacted them.

For the forgoing reasons, the Court should deny the government's renewed motion to require the defendant to file, in advance of trial, notice of the mitigating factors on which he proposes to rely if convicted.

Dated: September 16, 2014

Respectfully Submitted,

DZHOKHAR TSARNAEV
By his attorneys

/s/ David I. Bruck

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/s/ David I. Bruck